

URGENT ACTION

KASHMIRI PHOTOJOURNALIST FACES LIFE IN PRISON

Kamran Yousuf has been charged with several criminal offences including ‘waging war against the government of India’. The charges are based on the allegation that he only covered violent protests in Kashmir rather than other ‘developmental activities’. In pre-trial detention for over five months, he faces life imprisonment if convicted.

Kamran Yousuf, a freelance journalist, was arrested on 4 September 2017 in Pulwama, Kashmir in relation to a case of alleged funding of terror-related acts, in addition to accusations that he had thrown stones at security forces. On 18 January 2018, the National Investigation Agency (NIA) formally charged him, along with 11 others, with offences under the Indian Penal Code and the Unlawful Activities (Prevention) Act (UAPA), including ‘criminal conspiracy’, ‘waging war against the government of India’, committing ‘unlawful activities’ and being a ‘member of a terrorist organization’. If convicted of the charges, Kamran Yousuf who is 20 years of age, faces life imprisonment.

The NIA charge-sheet states that Kamran Yousuf was “involved in several stone-pelting incidents” and had links with ‘terrorist organizations’ and the others accused. The primary evidence put forward is the fact that his mobile number was “persistently located at places where counter-terrorist operations were in progress”. However, the NIA acknowledged that Yousuf was covering anti-government protests for publication in the media, and also admitted that most of the numbers on his mobile phone were of his friends, other journalists, and security force personnel.

The NIA stated that Kamran Yousuf was not a “real journalist” as he had not performed the “moral duty of a journalist” by covering developmental and political activities carried out by the government. Kamran Yousuf’s lawyers have pointed out that covering protests is a legitimate journalistic activity, and also stated that he had covered several other events, including government activities. Further, the charge-sheet does not put forward any evidence to show that he was a member of a ‘terrorist organization’.

Kamran Yousuf has worked with various media houses in Kashmir, reporting on a range of issues. As part of his work, he has been present at various locations of protests, and has several contacts. Amnesty International believes the charges against him to be fabricated and politically motivated, and part of an attempt to stifle journalism in Kashmir. Kamran Yousuf’s bail application is scheduled to be heard on 27 February. A special court set up in Delhi to hear NIA cases is scheduled to decide on the final charges, ahead of trial, on 8 March.

Please write immediately in English or your own language, urging authorities to:

- Drop all charges against Kamran Yousuf and release him immediately;
- Ensure that journalists in India are able to perform their legitimate duties, and respect and protect their right to freedom of expression;
- Amend the Unlawful Activities (Prevention) Act to bring it in line with international human rights standards.

PLEASE SEND APPEALS BEFORE 5 APRIL 2018 TO:

Minister of Home Affairs

Rajnath Singh
17 Akbar Road, New Delhi 110011
Fax: +91 11 23014184
Tel: +91 11 23793881
Email: 17akbarroad@gmail.com;
rajnath.singh@nic.in
Twitter : @HMOIndia
Salutation: Dear Minister

Director General, National Investigation

Agency
Yogesh Chander Modi
CGO Complex, Lodhi Road,
New Delhi 110003
Fax: +91 11 24368801
Tel : +91 11 24368800
Email: info.nia@gov.in
Salutation: Dear Sir

And copies to:

Chairperson, NHRC
Justice H L Dattu
Manav Adhikar Bhawan Block C,
GPO Complex, INA
New Delhi 110023
Fax: +91 11 24651332
Tel : +91 11 24663247
Email: chairnhrc@nic.in

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below: Name

Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Please check with your section office if sending appeals after the above date.



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ADDITIONAL INFORMATION

Kamran Yousuf, a freelance photojournalist, began working with local media houses in Jammu and Kashmir in 2014. Last year, he gained recognition for his coverage of anti-government protests in the state. The Committee to Protect Journalists, Reporters without Borders, the Kashmir Editors Guild, the Kashmir Working Journalists Association, and several prominent journalists have called for Yousuf's release, and criticized the NIA's comments on the activities that constitute 'real' journalism.

The freedom of the press has been increasingly threatened in India over the last few years. Journalists have suffered targeted attacks, intimidation, suppression and arbitrary detention under draconian laws like the UAPA, India's principal anti-terror law. Human rights groups in India have highlighted several instances where the UAPA has been abused, with the use of fabricated evidence and false charges, to detain people peacefully exercising their rights to freedom of expression and association. Parts of the UAPA do not meet international human rights standards and are likely to lead to human rights violations. For example, the UAPA dilutes the evidentiary requirement for convictions and uses sweeping definitions of 'acts of terrorism' and 'membership' of 'unlawful' organizations.

The freedom of the press in Kashmir is particularly at risk. In October 2016, the Jammu and Kashmir government banned the publication of *Kashmir Reader*, an English daily, for three months, calling it a threat to 'public tranquillity'. Authorities exert pressure on journalists and media houses to report on issues in a manner deemed appropriate by them. In October 2017, the Home Ministry wrote a letter to senior officials of the Jammu and Kashmir state government and the state police, stating, "It is understood that some newspapers in J&K are publishing highly radicalised content ... publishing of anti-national articles in the newspapers of the state should be strictly dealt with. Such newspapers should also not be given any patronage by way of advertisements by the state government."

Name: Kamran Yousuf

Gender m/f: m

UA: 43/18 Index: ASA 20/7931/2018 Issue Date: 22 February 2018